

Texas Education Laws, Codes, and Policies Concerning Music Education

**Thomas H. Waggoner
Field Supervisor of Student Teaching
Butler School of Music
The University of Texas at Austin**

Music and fine arts educators often refer to the arts as “the soul of humanity.” Assuming this is true, what would happen if fine arts were removed from society? Indeed, it is difficult to conceive of a world without the fine arts – without music, art, dance, or theatre.

Music and the other fine arts are essential for the healthy development of children and are an integral component of our educational system in developing the attitudes, characteristics, and intellectual capacities students need to participate successfully in today’s society and economy. Fine arts foster critical thinking skills and creativity, promote teamwork and cooperation, teach self-discipline, and develop self-esteem, all of which are so valued in the workplace. Most notably, however, fine arts are important in and of themselves because they are a vital and vibrant part of our personal, social, and cultural environment.

Research indicates that correlations exist between fine arts education and early childhood brain development. In fact, studying fine arts may help form critical neural pathways necessary for later development (Rich, Asbury, & Gazzaniga, 2008). Brain research and multiple intelligences theories are thus providing evidence to support including the fine arts in a balanced curriculum. For example, the study of the fine arts help students discover the connections between study, hard work, and high levels of success. Additionally, music and the other fine arts cultivate many types of literacy while enhancing intuition, reasoning, imagination, and dexterity into unique forms of expression and communication. Another critical attribute is that through the study of fine arts, students learn to appreciate the perspectives of others; and they gain an understanding of human experiences, both past and present.

NCLB and Current Texas Code

As stated in the *No Child Left Behind* Education Act, core academic subjects are identified as "English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, **arts**, history, and geography" (United States, 2007). This bipartisan legislation determines how the U.S. Department of Education will support our nation's schools, students, and communities. Similarly, the Texas Administrative Code (TAC) lists music and fine arts as core academic curricula. Although the federal and state policies describe music and fine arts as part of the core academic curriculum, a commonly held perception of music and fine arts as extra-curricular activities still persists. The Texas Essential Knowledge and Skills (TEKS) framework and Senate Bill 815 and House Bill 5, discussed below, have the potential to more clearly establish the nature of music and fine arts as curricular subjects.

The Importance of Texas Essential Knowledge and Skills (TEKS)

The TEKS define what students are expected to know and be able to do at the end of every grade level in each of the academic disciplines, including fine arts. It is the responsibility of school districts, however, to develop local curriculum that is aligned with the TEKS. The learning standards in fine arts are a reflection of what our best fine arts teachers have been doing for many years, and the TEKS provide written documentation for a vertically and horizontally integrated structure for student achievement.

Because the Fine Arts TEKS powerfully address the issues of quality and accountability, they will help maintain discipline and focus in the study of music and fine arts as well as provide a reference point for assessing its results. As the population of Texas becomes more transient in nature, the Fine Arts TEKS will help establish some consistency in student achievement and elevate standards of learning in the arts, regardless of the size, geographic location, socio-

economic status, and/or other demographic considerations of schools. Therefore, the TEKS can enhance fine arts instruction, improve weaker programs and help make stronger programs even better.

Senate Bill 815

Senate Bill 815 (SB 815) was approved by both the Senate and House of Representatives of the 78th legislative session, signed into law by Governor Rick Perry, and implemented in Texas school districts in the fall of 2003. To maintain accreditation, SB 815 now mandates that *all* Texas school districts must provide instruction in the entire required curriculum for the TEKS, including both foundation *and* enrichment subject areas. The foundation content areas consist of English language arts, mathematics, science, and social studies. The enrichment content areas consist of fine arts, languages other than English, health, physical education, career and technical education, and technology applications. The basic differences between the foundation and enrichment curricula are (a) foundation subjects are assessed on the State of Texas Assessments of Academic Readiness (STAAR) as part of the state accountability system, whereas the enrichment subjects are not assessed; and (b) enrichment subjects were connected to the TEKS in terms of the guidelines for types of instruction that *may* be offered. With the passage of SB 815, however, Texas school districts *must* provide instruction for all of the TEKS in music, art, dance, and theatre.

SB 815 does **not**:

- mandate that fine arts certified specialists must provide instruction at the elementary school level (local school district decision) since elementary classroom generalists are also certified to teach all of the required curriculum, both foundation and enrichment content areas;

- prescribe the amount of instructional time or teaching methodologies for fine arts (local school district decision);
- add fine arts to the STAAR.

The State Board of Education (SBOE) approved final revisions to the Texas Administrative Code (TAC), Chapter 74, to comply with SB 815. In addition to requiring the TEKS for foundation and enrichment content areas, the SBOE also determined that SB 815 serves as a mandate for school districts to provide TEKS-based instruction in all subjects/courses of the required curriculum, both foundation and enrichment content areas, at all elementary grade levels (K-5). Therefore, in addition to the four foundation content areas of English language arts, mathematics, science, and social studies, school districts must also offer the elementary TEKS subjects/courses of music, art, and theatre, languages other than English (to the extent possible), health, physical education, and technology applications at each grade level (K-5).

Although the SBOE does not require school districts to employ certified specialists for enrichment content areas in elementary school, school districts may exercise various options for delivering TEKS-based instruction. For example, districts may choose to integrate curriculum content areas by compartmentalizing each subject/course, utilizing specialists for each area, and/or implementing other locally adopted instructional methodologies to support student attainment of TEKS standards to maximize the quality of instruction

At the secondary level, courses in both foundation and enrichment content areas must be delivered in a manner that facilitates grade promotion and allows high school graduation requirements to be met in a timely manner. Each school district must provide sufficient time for teachers to teach and for students to learn all of the foundation and enrichment content areas of

the required curriculum in grades 6-12 (TAC 74). All students in middle school must enroll in a fine arts course, but it is a local school district decision about how and at what grade levels TEKS-based instruction in the foundation and enrichment content areas is provided in grades 6-12.

House Bill 5

Both the Senate and House of Representatives of the 83rd legislative session approved House Bill 5 (HB 5) in 2013. The policies were implemented in Texas school districts in the fall of 2014. Below are the components of HB 5 pertaining to fine arts education:

The **High School Graduation Plan** was implemented in the 2014-2015 school year with these endorsements:

- Business and Industry
- Public Services
- STEM (Science, Technology, Engineering, Mathematics)
- Multidisciplinary Studies
- **Arts** and Humanities

Community-Based Fine Arts Program. High school students (only grades 9-12) may receive fine arts credit for graduation if participating in a community-based fine arts program, but only if the school district does not already offer the same fine arts program. School districts must apply to the Commissioner of Education for approval of the Community-Based Fine Arts Program. The program may be held on- or off-campus, but the program may not be an individual endeavor, such as private lessons/instruction. The student may not be dismissed from the regular school day to participate in the Community-Based Fine Arts Program, and the program must address all of the student expectations in each strand of the Fine Arts TEKS.

Pullouts. Students in grades K-12 must attend class 90% of the days that the class is offered to receive credit. However, the attendance in class may be lowered to 75% if the parent provides written consent. Local school boards of trustees must adopt and strictly enforce a policy limiting removal of students from academic classes for remedial tutoring or test preparation.

Community and Student Engagement Compliance. School districts and campuses must be evaluated by criteria developed by local committees. The designations of *exemplary*, *recognized*, *acceptable*, or *unacceptable* performance are used in nine areas, including fine arts

Current Status

All school districts now require the Fine Arts TEKS in music, art, dance, and theatre instruction and should have developed curriculum that is aligned with the standards. The state's professional fine arts education associations' conventions/conferences offer a myriad of TEKS-related workshops and clinics for their respective memberships, and many school districts provide their fine arts teachers with TEKS-related professional development opportunities that are locally organized and facilitated.

In 1995, the Texas Education Agency (TEA) established the Center for Educator Development in Fine Arts (CEDFA) to support effective and appropriate implementation of the Fine Arts TEKS in Texas schools. With the passage of SB 815, the potential and value of CEDFA's mission becomes more significant than ever. Although no longer funded by TEA, CEDFA has become a 501(c)(3) non-profit organization and continues to provide advocacy and resources for fine arts educators, including TEKS-related information, professional development, products, and resources.

Items found on the CEDFA website <<http://www.cedfa.org>> include:

- Fine Arts Curriculum Frameworks for Music, Art, Dance, and Theatre
- Fine Arts TEKS Scope and Sequence Charts for Music, Art, Dance, and Theatre
- Two fine arts instructional video series entitled *Portraits of Excellence: Fine Arts in Texas and Schools* and *Proof of Performance: Fine Arts in Texas Schools*
- *Content Connections* document (elementary, middle, and high school levels)
- Instructional video and correlating booklet entitled *Fine Arts for All Students*

The most far-reaching project of CEDFA, however, is the annual Fine Arts Summit initiative. The goal of the Fine Arts Summit is to increase support for music and fine arts in Texas public schools by facilitating communication among stakeholders in fine arts education, including fine arts educators, subject area teachers, campus/district administrators, school board members, and community members. Summit workshop presentations, conducted by expert educators who are members of the CEDFA Training Cadre, address topics in music, art, dance, and theatre that are aligned with the Fine Arts TEKS.

Final Thoughts

As our current Texas curriculum framework and laws recognize, music and the other fine arts can be a powerful, and sometimes the best, vehicle for reaching, motivating, and teaching a student. Thus, *all* students should have access to a deep and rich education in music and the other fine arts, regardless of background, talents, or disabilities. When fine arts education becomes recognized and justified, not just in terms of providing enjoyment, but as a vital component contributing to academic competency and the development of the whole person, then and only then, will schools and parents view music and other fine arts as legitimate, essential subjects of instruction that are integral to the education of our children.

Abraham Maslow (1971), noted American psychologist, precisely articulated the philosophy on fine arts education that should guide our educational policy: "...the arts are so close to our psychological and biological core, so close to this biological identity, that rather than think of arts courses as sort of whipped cream or luxury, they must become basic experiences in education" (p. 153).

References

Maslow, A.H. (1971). Peak experiences in education and art. *Theory into Practice* 10 (3): 153.

United States. (2007). State and local implementation of the No Child Left Behind Act.

Washington, D.C: U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service.

Rich, B., Asbury, C., & Michael Gazzaniga. (2008). Learning, Arts, and the Brain: The Dana Consortium Report on Arts and Cognition. Dana Foundation. Retrieved from <http://www.issuelab.org/permalink/resource/10060>.